

APR 13 2007

67108-321 PUS1
Vasudevan 3-2IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Vasudevan Subramanian
Serial Number: 10/001,296
Filed: 11/02/2001
Group Art Unit: 2616
Examiner: Wong, Warner
Title: A METHOD FOR ALLOCATING WIRELESS
COMMUNICATION RESOURCES

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Non-Final Office Action mailed on November 13, 2006.

Applicant respectfully requests reconsideration of this application. Applicant respectfully submits that there is no *prima facie* case of obviousness against any of claims 1-19 and, therefore, respectfully traverses the rejection under 35 U.S.C. §103 based upon the proposed combination of the *Gitlin* and *Wan* references. The Examiner properly acknowledges that *Gitlin* does not describe using a rate of change of channel quality for adjustments in wireless communication. The Examiner then proposes to extract the teachings of paragraph 56-57 of *Wan* and substitute those into the *Gitlin* reference. That proposed combination cannot be made because it does not provide any benefit or usefulness in the context of the *Gitlin* reference. Where a proposed combination does not provide any benefit or there is no usefulness for it within the context of the primary reference, the combination cannot be made and there is no *prima facie* case of obviousness.

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The *Wan* reference teaches using a level or quality of a received signal for the purpose of determining a speed of a mobile unit traveling through a cell, which is used for controlling a rate at which the mobile unit scans for neighboring cells. The manner in which a mobile unit scans for neighboring cells has nothing to do with the way in which users are scheduled in the *Gitlin* reference. In other words, the teachings of the *Wan* reference extracted by the Examiner provide no benefit and have no usefulness in the context of the *Gitlin* reference. Therefore, the combination cannot be made and there is no *prima facie* case of obviousness.

Additionally, Applicant respectfully disagrees with the Examiner's interpretation of the *Gitlin* reference. The paragraph in column 8 beginning at line 36 discusses how higher speed users contribute more noise or interference than users with lower bit-rates. It is focusing on keeping interference below an acceptable threshold by trading off between a large number of low-bit users and a smaller number of high-speed users. Scheduling in that manner is not the same thing as what the Examiner states is taught in the *Gitlin* reference on page 2 of the most recent Office Action. Therefore, even if the *Gitlin* and *Wan* references could somehow be combined, the result is not what the Examiner contends and there is no *prima facie* case of obviousness.

Applicant respectfully submits that all claims are allowable. A Notice of Allowance is requested as soon as possible.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: 

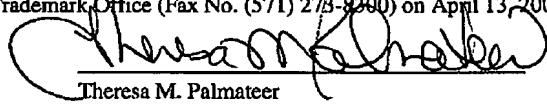
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Dated: April 13, 2007

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CERTIFICATE OF FACSIMILE

I hereby certify that this Request for Reconsideration relative to Application Serial No. 10/001/298 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on April 13, 2007.



Theresa M. Palmateer

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